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JUL 10 2006

OFFICE OF PETITIONS

In re Application of :
Kalimuthu et al. :
Application No. 09/944,252 : DECISION ON
Filed: August 30, 2001 : PETITION
Atty Docket No. 2705-170 :
:

This is a decision on the "PETITION FOR ISSUANCE AND TO WITHDRAW HOLDING OF ABANDONMENT ..." filed June 13, 2006.

The above-identified application became abandoned for failure to timely pay the issue fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed January 9, 2006. The period for transmitting the issue fee is not extendable. No reply having been received, the above-identified application became abandoned on April 10, 2006. A courtesy Notice of Abandonment was mailed on May 16, 2006.

In response, applicants filed the instant petition on the grounds that the Notice of Allowance forming the basis of the abandonment was not received by applicant's attorneys (the correspondence address of record).

There is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record¹. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to

¹ It is noted that the correspondence address was changed to that of the customer number on February 22, 2006. Nonetheless, the customer number address is the same address used when mailing the previous Office actions. There was no change of address affecting mailing of the Notice of Allowance to the correct address.

overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petitioner has supported his claim of non-receipt with such evidence.

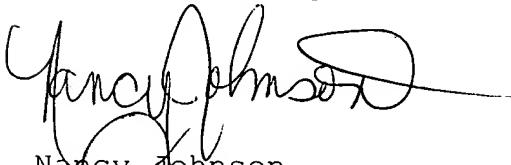
In view thereof, the notice of abandonment mailed May 16, 2006 is hereby VACATED, and the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2616 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for mailing of a new Notice of Allowance and Fee(s) Due (and mailing of a new Notice of Allowability) and for restarting of the period for reply to both Notices.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



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